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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**KAREN BROUSSARD AND)
NORRIS BROUSSARD,)**

Plaintiffs,)

v.)

**JOHNSON & JOHNSON; JOHNSON &)
JOHNSON CONSUMER COMPANIES,)
INC.; IMERY'S TALC AMERICA, INC.,)
f/k/a/ LUZENAC AMERICA, INC.; and)
PERSONAL CARE PRODUCTS)
COUNCIL, f/k/a COSMETIC,)
TOILETRY, AND FRAGRANCE)
ASSOCIATION,)**

Defendants.)

Civil Action No.:

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

INTRODUCTION

1. This action arises out of the development of ovarian cancer by Karen Broussard, as a direct and proximate result using Johnson & Johnson Baby Powder (hereinafter "the PRODUCT"), a talc-based product in the perineal area.

PARTIES

2. Plaintiffs Karen Broussard and Norris Broussard were and are adults and citizens

of the State of Alabama, and currently reside at 216 Dusty Drive in Arab, Alabama

3. Defendant Johnson & Johnson is a New Jersey corporation with its headquarters located at One Johnson & Johnson Plaza in New Brunswick, New Jersey.

4. Defendant Johnson & Johnson Consumer Companies, Inc. is a New Jersey corporation with its principal place of business located at 199 Grandview Road in Skillman, New Jersey.

5. Defendant Imerys Talc America, Inc. is a Delaware corporation with its principal place of business located at 1732 North First Street, Suite 450 in San Jose, California.

JURISDICTION and VENUE

6. Defendant Personal Care Products Council is a corporation organized under the laws of the District of Columbia, with its principle place of business located at 1620 L Street, NW, Suite 1200 in Washington, District of Columbia.

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 because the amount in controversy as to Plaintiffs exceeds \$75,000.00, exclusive of interest and costs, and because Defendants are incorporated and have their principal places of business in states other than the state in which the named Plaintiffs reside.

8. Venue of this case is proper in the District of New Jersey pursuant to 28 U.S.C. § 1391(b)(1) because all Defendants are residents of this District.

9. Defendant Johnson & Johnson is a New Jersey corporation with its principle place of business in the State of New Jersey. At all pertinent times, Johnson & Johnson was engaged in the business of manufacturing, marketing, testing, promoting, selling, and/or distributing the PRODUCT. At all pertinent times, Johnson & Johnson regularly transacted, solicited, and conducted business in the State of New Jersey, including the marketing,

promoting, selling, and/or distribution of the PRODUCT.

10. Defendant Johnson & Johnson Consumer Companies, Inc. is a New Jersey corporation with its principle place of business in the State of New Jersey. At all pertinent times, Johnson & Johnson Consumer Companies, Inc. was engaged in the business of manufacturing, marketing, testing, promoting, selling, and/or distributing the PRODUCT. At all pertinent times, Johnson & Johnson Consumer Companies, Inc. regularly transacted, solicited, and conducted business in the State of New Jersey, including the marketing, promoting, selling, and/or distribution of the PRODUCT.

11. Defendants Johnson & Johnson and Johnson & Johnson Consumer Companies, Inc. have, at all pertinent times, conducted continuous and systematic business in the State of Alabama and placed the PRODUCT in the stream of commerce with the knowledge and intent that they be sold in the State of Alabama, and be consumed by Alabama citizens and residents.

12. At all pertinent times, Defendant Johnson & Johnson Consumer Companies, Inc. has been a wholly owned subsidiary of Defendant Johnson & Johnson, under the complete dominion of and control of Defendant Johnson & Johnson, and the agent and alter ego of Defendant Johnson & Johnson. Hereinafter, unless otherwise delineated, these two entities shall be collectively referred to as the "Johnson & Johnson Defendants."

13. Defendant Imerys Talc America, Inc., f/k/a Luzenac America, Inc. ("Imerys Talc") is a Delaware corporation with its principle place of business in the State of California. At all pertinent times, Imerys Talc has maintained a registered agent in the State of New Jersey. At all pertinent times, Imerys Talc has been in the business of mining and distributing talcum powder for use in talcum powder based products, including the PRODUCT.

Imerys Talc is the successor or continuation of Luzenac America, Inc., and Imerys Talc is legally responsible for all liabilities incurred when it was known as Luzenac America, Inc.

14. Defendant Personal Care Products Council ("PCPC"), f/k/a Cosmetic, Toiletry, and Fragrance Association ("CTFA") is a corporation organized under the laws of the District of Columbia, with its principle place of business in the District of Columbia. PCPC is the successor or continuation of CTFA, and PCPC is legally responsible for all liabilities incurred when it was known as CTFA.

ALLEGATIONS COMMON TO ALL COUNTS

15. Talc is a magnesium trisilicate and is mined from the earth. Talc is an inorganic mineral. Imerys Talc mined the talc contained in the PRODUCT.

16. Talc is the main substance in talcum powders. The Johnson & Johnson Defendants manufactured the PRODUCT. The PRODUCT is composed almost entirely of talc.

17. At all pertinent times, a feasible alternative to the PRODUCT has existed. Cornstarch is an organic carbohydrate that is quickly broken down by the body with no known health effects. Cornstarch powders have been sold and marketed for the same uses with nearly the same effectiveness.

18. Imerys Talc¹ has continually advertised and marketed talc as safe for human use.

19. Imerys Talc supplies customers with material safety data sheets for talc. These material safety data sheets are supposed to convey adequate health and warning information to its customers.

¹ All allegations regarding actions taken by Imerys Talc include actions taken while that entity was known as Luzenac America, Inc.

20. Historically, "Johnson's Baby Powder" has been a symbol of freshness, cleanliness, and purity. During the time in question, the Johnson & Johnson Defendants advertised and marketed this product as the beacon of "freshness" and "comfort", eliminating friction on the skin, absorbing "excess wetness" helping to keep skin feeling dry and comfortable, and "clinically proven gentle and mild". The Johnson & Johnson Defendants compelled women through advertisements to dust themselves with this product to mask odor. The bottle of "Johnson's Baby Powder" specifically targets women by stating, "For you, use every day to help feel soft, fresh, and comfortable."

21. Plaintiff Karen Broussard used the PRODUCT to dust her perineum for feminine hygiene purposes from approximately 1980 to May 2014, with such action taking place in the State of Alabama. This was an intended and foreseeable use of the PRODUCT based on the advertising, marketing, and labeling of the PRODUCT.

22. On or about May 29, 2014, Plaintiff Karen Broussard was diagnosed with ovarian cancer while living in the State of Alabama. At the time of her diagnosis, Plaintiff Karen Broussard was fifty-one (51) years old.

23. In 1971, the first study was conducted that suggested an association between talc and ovarian cancer. This study was conducted by Dr. WJ Henderson and others in Cardiff, Wales.

24. In 1982, the first epidemiologic study was performed on talc powder use in the female genital area. This study was conducted by Dr. Daniel Cramer and others. This study found a 92% increased risk in ovarian cancer with women who reported genital talc use. Shortly after this study was published, Dr. Bruce Semple of Johnson & Johnson came and visited Dr. Cramer about his study. Dr. Cramer advised Dr. Semple that Johnson & Johnson

should place a warning on its talcum powders about the ovarian cancer risks so that women can make an informed decision about their health.

25. Since 1982, there have been approximately twenty-two (22) additional epidemiologic studies providing data regarding the association of talc and ovarian cancer. Nearly all of these studies have reported an elevated risk for ovarian cancer associated with genital talc use in women.

26. In 1993, the United States National Toxicology Program published a study on the toxicity of non-asbestiform talc and found clear evidence of carcinogenic activity. Talc was found to be a carcinogen, with or without the presence of asbestos-like fibers.

27. In response to the United States National Toxicology Program's study, the Cosmetic Toiletry and Fragrance Association (CTFA) formed the Talc Interested Party Task Force (TIPTF). The Johnson & Johnson Defendants and Imerys Talc were members of the CTFA and were the primary actors and contributors of the TIPTF. The stated purpose of the TIPTF was to pool financial resources of these companies in an effort to collectively defend talc use at all costs and to prevent regulation of any type over this industry. The TIPTF hired scientists to perform biased research regarding the safety of talc, members of the TIPTF edited scientific reports of the scientists hired by this group prior the submission of these scientific reports to governmental agencies, members of the TIPTF knowingly released false information about the safety of talc to the consuming public, and used political and economic influence on regulatory bodies regarding talc. All of these activities have been well coordinated and planned by these companies and organizations over the past four (4) decades in an effort to prevent regulation of talc and to create confusion to the consuming public about the true

hazards of talc relative to ovarian cancer.

28. On November 10, 1994, the Cancer Prevention Coalition mailed a letter to then Johnson & Johnson C.E.O, Ralph Larson, informing his company that studies as far back as 1960's ". . . shows conclusively that the frequent use of talcum powder in the genital area poses a serious health risk of ovarian cancer." The letter cited a recent study by Dr. Bernard Harlow from Harvard Medical School confirming this fact and quoted a portion of the study where Dr. Harlow and his colleagues discouraged the use of talc in the female genital area. The letter further stated that 14,000 women a year die from ovarian cancer and that this type of cancer is very difficult to detect and has a low survival rate. The letter concluded by requesting that Johnson & Johnson withdraw talc products from the market because of the alternative of cornstarch powders, or at a minimum, place warning information on its talc-based body powders about ovarian cancer risk they pose.

29. In 1996, the condom industry stopped dusting condoms with talc due to the health concerns of ovarian cancer.

30. In February of 2006, the International Association for the Research of Cancer (IARC) part of the World Health Organization published a paper whereby they classified perineal use of talc based body powder as a "Group 2B" human carcinogen. IARC, which is universally accepted as the international authority on cancer issues, concluded that studies from around the world consistently found an increased risk in ovarian cancer in women from perineal use of talc. IARC found that between 16-52% of women in the world were using talc to dust their perineum and found an increased risk of ovarian cancer in women talc users ranging from 30-60%. IARC concluded with this "Evaluation": "There is limited evidence in humans for the carcinogenicity of perineal use of talc-based body powder." By definition

"Limited evidence of carcinogenicity" means "a positive association has been observed between exposure to the agent and cancer for which a causal interpretation is considered by the Working Group to be credible, but chance, bias or confounding could not be ruled out with reasonable confidence."

31. In approximately 2006, the Canadian government under The Hazardous Products Act and associated Controlled Products Regulations classified talc as a "D2A", "very toxic", "cancer causing" substance under its Workplace Hazardous Materials Information System (WHMIS). Asbestos is also classified as "D2A".

32. In 2006, Imerys Talc began placing a warning on its Material Safety Data Sheets (MSDS) it provided to the Johnson & Johnson Defendants regarding the talc it sold to them to be used in the PRODUCT. These MSDSs not only provided the warning information about the IARC classification but also included warning information regarding "States Rights to Know" and warning information about the Canadian Government's "D2A" classification of talc as well.

33. The Defendants had a duty to know and warn about the hazards associated with the use of the PRODUCT.

34. The Defendants failed to inform its customers and end users of the PRODUCT of a known catastrophic health hazard associated with the use of its products.

35. In addition, the Defendants procured and disseminated false, misleading, and biased information regarding the safety of the PRODUCT to the public and used influence over governmental and regulatory bodies regarding talc.

36. As a direct and proximate result of the Defendants' calculated and reprehensible conduct, Plaintiff Karen Broussard developed ovarian cancer, which

required surgeries and treatments, and was otherwise injured in a personal and pecuniary nature.

COUNT I - STRICT LIABILITY FOR FAILURE TO WARN
(Imerys Talc, Johnson & Johnson Defendants)

37. Plaintiffs incorporate by reference each of the preceding paragraphs as if fully set forth herein.

38. At all pertinent times, Imerys Talc mined and sold talc to the Johnson & Johnson Defendants, which it knew that Johnson & Johnson was then packaging and selling to consumers as the PRODUCT and it knew that consumers of the PRODUCT were using it to powder their perineal regions.

39. At all pertinent times, Imerys Talc knew and/or should have known of the unreasonably dangerous and carcinogenic nature of the talc it was selling to the Johnson & Johnson Defendants, especially when used in a woman's perineal regions, and it knew or should have known that Johnson & Johnson was not warning its consumers of this danger.

40. At all pertinent times, the Johnson & Johnson Defendants were manufacturing, marketing, testing, promoting, selling and/or distributing the PRODUCT in the regular course of business.

41. At all pertinent times, Plaintiff Karen Broussard used the PRODUCT to powder her perineal area, which is a reasonably foreseeable use.

42. At all pertinent times, the Defendants in this action knew or should have known that the use of talcum powder based products in the perineal area significantly increases the risk of ovarian cancer based upon scientific knowledge dating back to the 1960s.

43. At all pertinent times, including the time of sale and consumption, the

PRODUCT, when put to the aforementioned reasonably foreseeable use, was in an unreasonably dangerous and defective condition because it failed to contain adequate warnings and/or instructions regarding the increased risk of ovarian cancer associated with the use of the PRODUCT by women to powder their perineal area.

44. Had Plaintiff Karen Broussard received a warning that the use of the PRODUCT would have significantly increased her risk of ovarian cancer, she would not have used the same.

45. The development of ovarian cancer was the direct and proximate result of the unreasonably dangerous and defective condition of the PRODUCT at the time of sale and consumption, including their lack of warnings; and Plaintiff Karen Broussard was caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs pray for judgment against Imerys Talc and the Johnson & Johnson Defendants in a fair and reasonable sum in excess of \$75,000.00, together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNTIL-NEGLIGENCE
(Imerys Talc)

46. Plaintiffs hereby incorporate by reference each of the preceding paragraphs as if fully set forth herein.

47. At all pertinent times, Imerys Talc mined and sold talc to the Johnson & Johnson Defendants, which it knew or should have known was then being packaged and sold to consumers as the PRODUCT by the Johnson and Johnson Defendants. Further, Imerys Talc knew or should have known that consumers of the PRODUCT were using it to powder

their perineal regions.

48. At all pertinent times, Imerys Talc knew or should have known that the use of talcum powder based products in the perineal area significantly increases the risk of ovarian cancer based upon scientific knowledge dating back to the 1960s.

49. At all pertinent times, Imerys Talc knew or should have known that Johnson & Johnson was not providing warnings to consumers of the PRODUCT of the risk of ovarian cancer posed by talc contained therein.

50. At all pertinent times, Imerys Talc was negligent in providing talc to the Johnson & Johnson Defendants, when it knew or should have known that the talc would be used in the PRODUCT, and did not adequately take steps to ensure that ultimate consumers of the PRODUCT, including Plaintiff Karen Broussard, received the information that Imerys Talc possessed on the carcinogenic properties of talc, including its risk of causing ovarian cancer.

51. As a direct and proximate result of Imerys Talc's negligence, Plaintiff Karen Broussard purchased and used, as aforesaid, the PRODUCT that directly and proximately caused her to develop ovarian cancer; and Plaintiff Karen Broussard was caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs pray for judgment against Imerys Talc in a fair and reasonable sum in excess of \$75,000.00, together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNT III-NEGLIGENCE
(Johnson & Johnson Defendants)

52. Plaintiffs hereby incorporate by reference each of the preceding paragraphs as

if fully set forth herein.

53. The Johnson & Johnson Defendants were negligent in marketing, designing, manufacturing, producing, supplying, inspecting, testing, selling and/or distributing the PRODUCT in one or more of the following respects:

- a. In failing to warn the Plaintiff Karen Broussard of the hazards associated with the use of the PRODUCT;
- b. In failing to properly test their products to determine adequacy and effectiveness or safety measures, if any, prior to releasing the PRODUCT for consumer use;
- c. In failing to properly test their products to determine the increased risk of ovarian cancer during the normal and/or intended use of the PRODUCT;
- d. In failing to inform ultimate users, such as Plaintiff Karen Broussard as to the safe and proper methods of handling and using the PRODUCT;
- e. In failing to remove the PRODUCT from the market when the Defendants knew or should have known the PRODUCT was defective;
- f. In failing to instruct the ultimate users, such as Plaintiff Karen Broussard, as to the methods for reducing the type of exposure to the PRODUCT which caused increased risk in ovarian cancer;
- g. In failing to inform the public in general and Plaintiff Karen Broussard in particular of the known dangers of using the PRODUCT for dusting the perineum;
- h. In failing to advise users how to prevent or reduce exposure that caused increase risk for ovarian cancer;
1. Marketing and labeling the PRODUCT as safe for all uses despite knowledge to the contrary; and,
- j. In failing to act like a reasonable prudent company under similar circumstances.

54. At all pertinent times, the Johnson & Johnson Defendants knew or should have known that the PRODUCT was unreasonably dangerous and defective when put to their reasonably anticipated use.

55. As a direct and proximate result of the Johnson & Johnson Defendants' negligence in one or more of the aforementioned ways, Plaintiff Karen Broussard purchased and used, as aforesaid, the PRODUCTS that directly and proximately caused her to develop ovarian cancer; and Plaintiff Karen Broussard was caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs pray for judgment against the Johnson and Johnson Defendants in a fair and reasonable sum in excess of \$75,000.00, together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNT IV - BREACH OF EXPRESS WARRANTY
(Johnson & Johnson Defendants)

56. Plaintiffs incorporate by reference each of the preceding paragraphs as if fully set forth herein.

57. The Johnson & Johnson Defendants expressly warranted, through direct-to-consumer marketing, advertisements, and labels, that the PRODUCT was safe and effective for reasonably anticipated uses, including use by women in the perineal area.

58. The PRODUCT did not conform to these express representations because they cause serious injury when used by women in the perineal area in the form of ovarian cancer.

59. As a direct and proximate result of the Defendants' breach of warranty, Plaintiff Karen Broussard purchased and used, as aforesaid, the PRODUCT that directly and

proximately caused her to develop ovarian cancer; and Plaintiff Karen Broussard was caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs pray for judgment against the Johnson and Johnson Defendants in a fair and reasonable sum in excess of \$75,000.00, together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNT V-BREACH OF IMPLIED WARRANTIES
(Johnson & Johnson Defendants)

60. Plaintiffs incorporate by reference each of the preceding paragraphs as if fully set forth herein.

61. At the time the Defendants manufactured, marketed, labeled, promoted, distributed and/or sold the PRODUCT, the Johnson & Johnson Defendants knew of the uses for which the PRODUCT was intended, including use by women in the perineal area, and impliedly warranted the PRODUCT to be of merchantable quality and safe for such use.

62. Defendants breached their implied warranties of the PRODUCT sold to Plaintiff Karen Broussard because it was not fit for their common, ordinary and intended uses, including use by women in the perineal area.

63. As a direct, foreseeable and proximate result of the Defendants' breaches of implied warranties, Plaintiff Karen Broussard purchased and used, as aforesaid, the PRODUCT that directly and proximately caused her to develop ovarian cancer; and Plaintiff Karen Broussard was caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs pray for judgment against the Johnson and Johnson

Defendants in a fair and reasonable sum in excess of \$75,000.00, together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNT VI - CIVIL CONSPIRACY
(All Defendants)

64. Plaintiffs incorporate by reference each of the preceding paragraphs as if fully set forth herein.

65. Defendants and/or their predecessors-in-interest knowingly agreed, contrived, combined, confederated and conspired among themselves to cause Plaintiff Karen Broussard's injuries, disease, and/or illnesses by exposing the Plaintiff Karen Broussard to a harmful and dangerous PRODUCT. Defendants further knowingly agreed, contrived, confederated and conspired to deprive the Plaintiff Karen Broussard of the opportunity of informed free choice as to whether to use the PRODUCT or to expose her to said dangers. Defendants committed the above described wrongs by willfully misrepresenting and suppressing the truth as to the risks and dangers associated with the use of and exposure to the PRODUCT.

66. In furtherance of said conspiracies, Defendants performed the following overt acts:
- a. For many decades, Defendants, individually, jointly, and in conspiracy with each other, have been in possession of medical and scientific data, literature and test reports which clearly indicated that use of their product by women resulting from ordinary and foreseeable use of the PRODUCT was unreasonably dangerous, hazardous, deleterious to human health, carcinogenic, and potentially deadly;
 - b. Despite the medical and scientific data, literature, and test reports possessed by and available to Defendants, Defendants individually, jointly, and in conspiracy with each other, fraudulently, willfully and maliciously:

- i. Withheld, concealed and suppressed said medical information regarding the increased risk of ovarian cancer from Plaintiff Karen Broussard (as set out in the "Facts" section of this pleading); In addition, on July 27, 2005 Defendants as part of the TIPTF corresponded and agreed to edit and delete portions of scientific papers being submitted on their behalf to the United States Toxicology Program in an attempt to prevent talc from being classified as a carcinogen;
 - ii. The Defendants through the TIPTF instituted a "defense strategy" to defend talc at all costs. Admittedly, the Defendants through the TIPTF used their influence over the NTP Subcommittee, and the threat of litigation against the NTP to prevent the NTP from classifying talc as a carcinogen on its 10th RoC. According to the Defendants, “. . . we believe these strategies paid-off”;
 - iii. Caused to be released, published and disseminated medical and scientific data, literature, and test reports containing information and statements regarding the risks of ovarian cancer which Defendants knew were incorrect, incomplete, outdated, and misleading. Specifically, the Defendants through the TIPTF collectively agreed to release false information to the public regarding the safety of talc on July 1, 1992; July 8, 1992; and November 17, 1994. In a letter dated September 17, 1997, the Defendants were criticized by their own Toxicologist consultant for releasing this false information to the public, yet nothing was done by the Defendants to correct or redact this public release of knowingly false information.
- c. By these false and fraudulent representations, omissions, and concealments, Defendants intended to induce the Plaintiff to rely upon said false and fraudulent representations, omissions and concealments, and to continue to expose herself to the dangers inherent in the use of and exposure to the PRODUCT .

67. Plaintiff Karen Broussard reasonably and in good faith relied upon the aforementioned fraudulent representations, omissions, and concealments made by Defendants regarding the nature of the PRODUCT.

68. As a direct and proximate result of the aforementioned fraudulent representations, omissions, and concealments made by Defendants regarding the nature of their product and Plaintiff Karen Broussard's reliance thereon, Plaintiff Karen Broussard purchased and used, as aforesaid, the PRODUCT that directly and proximately caused her to develop ovarian cancer; and Plaintiff Karen Broussard was caused to incur medical bills, lost wages, and conscious pain and suffering.

WHEREFORE, Plaintiffs pray for judgment against all Defendants, each of them, in a fair and reasonable sum in excess of \$75,000.00, together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNT VII - CONCERT OF ACTION
(All Defendants)

69. Plaintiffs incorporate by reference each of the preceding paragraphs as if fully set forth herein.

70. At all pertinent times, Imerys Talc, the Johnson & Johnson Defendants, and the PCPC knew that the PRODUCT should contain warnings on the risk of ovarian cancer posed by women using the product to powder the perineal region, but purposefully sought to suppress such information and omit from talc based products so as not to negatively affect sales and maintain the profits of the Johnson & Johnson Defendants, Imerys Talc, and the member of the PCPC.

71. As a direct and proximate result of Defendants concerted action, Plaintiff Karen Broussard purchased and used, as aforesaid, the PRODUCT that directly and proximately caused her to develop ovarian cancer; and Plaintiff Karen Broussard was caused to incur medical bills, lost wages, and conscious pain and suffering, comfort, instruction, guidance,

counsel, training and support.

WHEREFORE, Plaintiffs pray for judgment against all Defendants, each of them, in a fair and reasonable sum in excess of \$75,000.00, together with costs expended herein and such further and other relief as the Court deems just and appropriate.

COUNT VIII- PUNITIVE DAMAGES
(All Defendants)

72. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

73. The Defendants have acted willfully, wantonly, with an evil motive, and recklessly in one or more of the following ways:

- a. Defendants knew of the unreasonably high risk of ovarian cancer posed by the PRODUCT before manufacturing, marketing, distributing and/or selling the PRODUCT, yet purposefully proceeded with such action;
- b. Despite their knowledge of the high risk of ovarian cancer associated with the PRODUCT, Defendants affirmatively minimized this risk through marketing and promotional efforts and product labeling;
- c. Through the actions outlined above, Defendants expressed a reckless indifference to the safety of users of the PRODUCT and Plaintiff Karen Broussard. Defendants' conduct, as described herein, knowing the dangers and risks of the PRODUCT, yet concealing and/or omitting this information, in furtherance of their conspiracy and concerted action was outrageous because of Defendants' evil motive or a reckless indifference to the safety of users of the PRODUCT.

74. As a direct and proximate result of the willful, wanton, evilly motivated and/or reckless conduct of the Defendants, Plaintiff Karen Broussard has sustained damages as set forth above.

WHEREFORE, Plaintiffs pray for a judgment for punitive damages against all

Defendants in a fair and reasonable amount sufficient to punish Defendants and deter them and others from engaging in similar conduct in the future, costs expended herein, and such further and other relief as the Court deems just and appropriate.

COUNT TEN – LOSS OF CONSORTIUM

75. Plaintiffs reallege each and every allegation of this Complaint as if each were set forth fully and completely herein.

76. At all relevant times hereto, Plaintiff Norris Broussard was the spouse of Plaintiff Karen Broussard and suffered injuries and losses as a result of Karen Broussard's injuries.

77. For the reasons set forth herein, Plaintiff Norris Broussard has necessarily paid and has become liable to pay for medical aid, treatment, monitoring, medications, and other expenditures and will necessarily incur further expenses of a similar nature in the future as a proximate result of Defendants' misconduct.

78. For the reasons set forth herein, Plaintiff Norris Broussard has suffered and will continue to suffer the loss of his loved one's support, companionship, services, society, love and affection.

79. Plaintiffs allege that their marital relationship was impaired and depreciated, and the marital association between husband and wife has been altered, as a result of the injuries sustained by Plaintiff Karen Broussard's use of Defendants' PRODUCT.

80. Plaintiff Norris Broussard has suffered great emotional pain and mental anguish as a result of Plaintiff Karen Broussard's injuries.

81. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff Norris Broussard has sustained and will continue to sustain severe physical injuries, severe emotional distress, economic losses and other damages for which he is entitled to compensation and

equitable damages and declaratory relief in an amount to be proven at trial. Defendants are liable to Plaintiff Norris Broussard jointly and severally for all general, special, and equitable relief to which Spouse Plaintiffs and/or Family Member Plaintiffs are entitled by law.

WHEREFORE, Plaintiffs demand judgment against Defendants, and each of them, individually, jointly, severally, and in the alternative, and request compensatory damages, together with interest, costs of suit, attorneys' fees, and such further relief as the Court deems equitable and just.

Dated: October 16, 2014

Respectfully submitted,

SEEGER WEISS LLP

By: /s/ Christopher A. Seeger

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Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all claims so triable.

Dated: October 16, 2014

Respectfully submitted,

SEEGER WEISS LLP

By: /s/ Christopher A. Seeger

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Attorneys for Plaintiffs

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
KAREN BROUSSARD AND NORRIS BROUSSARD
(b) County of Residence of First Listed Plaintiff MARSHALL COUNTY
(c) Attorneys (Firm Name, Address, Email and Telephone Number)
Christopher A. Seeger; SEEGER WEISS LLP; 550 Broad Street, Suite 920; Newark, NJ 07102; (973) 639-9100

DEFENDANTS
JOHNSON & JOHNSON; JOHNSON & JOHNSON CONSUMER COMPANIES, INC.; IMERYS TALC AMERICA, INC., f/k/a LUZENAC AMERICA, INC.; et al.
County of Residence of First Listed Defendant MIDDLESEX COUNTY
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1 Incorporated or Principal Place of Business In This State 4 4
Citizen of Another State 2 2 Incorporated and Principal Place of Business In Another State 5 5
Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332
Brief description of cause:
product liability

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE 10/16/2014 SIGNATURE OF ATTORNEY OF RECORD /s/ Christopher A. Seeger

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.